

Before the Wisconsin Elections Commission

In the Matter of:)	
)	
)	
Candidacy Filings and Residency)	
of Donald Pridemore,)	Findings and Order
)	
Steven Hepp,)	
)	
Petitioner,)	
)	Case No. EL 21-05
)	
and)	
)	
Donald Pridemore,)	
Candidate for the Office of Wisconsin State)	
Senate – District 13)	
)	
Respondent.)	

Pursuant to Wis. Stat. §§ 5.05(1)(e) and 5.06(6), the inherent, general, and specific authority of the Wisconsin Elections Commission (hereafter “Commission”), upon consideration of the submissions of petitioner Steven Hepp (complaint) and respondent Donald Pridemore (response), and the submissions and recommendation of Commission staff, the Commission makes the following Findings and Order:

FINDINGS

1. Respondent is a candidate for the Office of Wisconsin State Senate in District 13. Respondent circulated nomination papers stating he resides at 459 Abbott Avenue in the City of Hartford, County of Washington, Wisconsin (Abbott Ave. Address). The Abbott Ave. address is within the 13th Senate district.
2. There is no dispute that Respondent timely filed all required ballot access documents with the Commission for the 2021 Spring Elections.
3. On January 8, 2021, the Commission issued a verification for the nomination papers of Respondent and verified 641 signatures from those documents. 400 signatures were required for ballot placement. Respondent did not file supplemental signatures.
4. On January 11, 2021, Petitioner filed a signed and verified nomination paper challenge complaint with the Commission, pursuant to Wis. Stat. § 5.06 and Wis. Admin. Code EL § 2.07, requesting the Commission invalidate “all nomination papers” filed by Respondent based on an alleged use of a false address for

- residency purposes, the insufficiency of various filings, and deficiencies in contravention of Wis. Stat. § 8.21(4)(b), Wis. Stat. § 12.13(3)(am), and Wis. Stat. § 8.15(4)(b). Petitioner claimed that respondent did not reside at the Abbott Ave. address, but rather resided at 2277 County Highway K, Hartford, WI 53027 (Highway K Address). In addition to his sworn complaint, Petitioner submitted public record data compiled by WIREdata Corporation showing that the Respondent owned property in trust at the Highway K address, which is located in Senate District 8.
5. On January 13, 2021, Respondent filed a timely, verified response in the form of a sworn affidavit in which he stated that he resided at the Abbott Ave. address and that was his lawful residential address. He further provided a signed residential lease for the Abbott Ave. address, which indicated he was renting from the owner of the Abbott Ave. address. Respondent specified that he resides at the Abbott Ave. address while planning to build a new residence within the boundaries of Senate District 13.
 6. On January 15, 2021, the Commission held an open meeting to decide the complaint.
 7. Respondent appeared by his attorney Joseph Voiland at the January 15, 2021, Commission meeting. Petitioner did not appear.
 8. Commission staff provided written recommendations to the Commission (2021 Ballot Access Challenges Memorandum, pages 2-5) which are attached and incorporated herein as if stated in full. Commission staff presented additional arguments in support of the recommendations contained on pages 2-5 of the 2021 Ballot Access Challenges Memorandum.
 9. At the January 15, 2021, Commission meeting, the Commission passed the following motion by unanimous vote:
 - 1) *Reject the challenge to Candidate Pridemore's ballot access, as all necessary nomination and candidacy paperwork contains an accurate residential address.*
 10. In a separate action of the Commission, the Respondent-candidate was later approved for ballot access by unanimous vote of the Commission. Therefore, the Respondent will appear on the ballot for the April 6, 2021, Special Election.
 11. Pursuant to Wis. Admin. Code EL § 2.07(3)(a), "The burden is on the challenger to establish any insufficiency. If the challenger establishes that the information on the nomination paper is insufficient, the burden is on the challenged candidate to establish its sufficiency..." The burden of proof must convince by evidence that is clear, satisfactory, and convincing, to a reasonable certainty, that "yes" should be the answer to the question(s). Reasonable certainty means the factfinder is

persuaded based upon a rational consideration of the evidence. Absolute certainty is not required, but a guess is not enough to meet the burden of proof.

12. Pursuant to Wis. Admin. Code EL § 2.07(4), the burden of proof applicable to establishing or rebutting a challenge is clear and convincing evidence. Clear, satisfactory, and convincing evidence is that which, when weighed against opposing evidence, clearly has more convincing power. It satisfies and convinces that "yes" should be the answer because of its greater weight and clear convincing power.
13. Pursuant to Wis. Admin. Code EL § 2.05(4), "Any information which appears on a nomination paper is entitled to a presumption of validity..."
14. Pursuant to Wis. Stat. § 5.06(1), the Commission has jurisdiction to review the Complaint filed by Petitioner and make the Findings and Order contained herein.
15. Pursuant to Wis. Stat. § 5.05(1)(e), by the Commission's specific delegation of authority to issue an order under Wis. Stat. § 5.06 and the Commission's specific action on this matter, the undersigned has authority to issue an order in this matter.

ORDER

Pursuant to Wis. Stat. § 5.06(1), the Commission has jurisdiction to review the Complaint filed by Petitioner and make the Findings and Order contained herein.

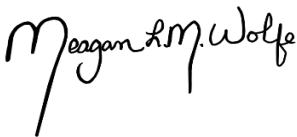
Pursuant to Wis. Stat. § 5.05(1)(e), by the Commission's specific delegation of authority to issue an order under Wis. Stat. § 5.06, and the Commission's specific action on this matter, the undersigned has authority to issue the following order:

1. The Commission rejects the challenge to Candidate Pridemore's ballot access, as all necessary nomination and candidacy paperwork contains an accurate residential address.

Pursuant to Wis. Stat. § 5.06(8), parties may appeal this Order to circuit court within 30 days of issuance of the Order.

Dated this 15th day of January, 2021.

Wisconsin Elections Commission

A handwritten signature in black ink that reads "Meagan Wolfe". The signature is written in a cursive, flowing style.

Meagan Wolfe
Administrator